

Amendment To The Drawings:

The attached sheet of drawings includes the deletion of Figure 7 without prejudice, as Figure 7 shows a non-elected species.

Attachment: Replacement Sheet

REMARKS

Applicants affirm election, without traverse, of Species II (Fig. 1, 2, 3, and 7) as recited in claims 1-3, 5-7, 9-11, 13-15, and 17-20. In the Official Action, the Examiner withdrew claims 5-7, 11, 15, and 20, as drawn to a non-elected invention. It is noted that 37 CFR § 1.142(b) allows an Examiner to withdraw the claims to the inventions that are not elected. However, as stated in the Action, claims 5-7, 11, 15, and 20 are drawn to Species II, which Applicants have elected. Inspection of the application confirms that the subject matter recited in claims 5-7, 11, 15, and 20 are illustrated in Figures 3A and 3B. Thus, it is respectfully requested that the withdrawal of claims 5-7, 11, 15, and 20 be reversed.

The Examiner objected to the drawings, stating that viscous fluid is a claimed feature and must therefore be shown in the drawings. However, viscous fluid was not recited in the claims. In this respect, the Applicants submit that the drawings are in an allowable condition.

Claims 19 and 20 were objected for informalities. With this Amendment, the Applicants have corrected those informalities and thus placed claims 19 and 20 in an allowable condition.

As to the merits, claims 7, 10, 15, 18, and 20 were rejected under 35 U.S.C. § 112, second paragraph. By this Amendment, the Applicants have clarified the claim limitations as they had originally intended and also in accordance with the Examiner's understanding of the claims. Thus, the rejection of claims 7, 10, 15, 18, and 20 has been overcome.

Claims 1-3, 5-7, 9-11, 13-15, and 17-20 were rejected under 35 U.S.C. § 103(a) as obvious over the Meinke reference (U.S. Patent No. 6,264,257) in view of the Geil reference (U.S. Patent No. 6,181,024). In response, the Applicants have clarified the subject matter of independent claims 1, 10, and 18 to overcome this rejection. Specifically, by this Amendment, the claimed handle switch assembly includes a door handle that is movable in a substantially outboard direction for actuating a vehicle-based system and unlatching a vehicle door. This limitation is disclosed in paragraphs 26 and 30 of the application.


None of the cited art, whether taken individually or in any permissible combination discloses this door handle. For instance, the Geil reference (col.1, lines 53-58; col. 2, lines 14-18 and lines 31-34) discloses a handle that is moved in one direction to actuate a vehicle lock system and then in the opposite direction to open the door. Thus, the Geil reference does not teach or suggest a door handle movable in a single outboard direction for both actuating a vehicle system and unlatching the door.

Furthermore, there would no motivation to combine the Geil reference and the Meinke reference because the proposed combination would render the Geil reference unsatisfactory for its intended purpose under Section 2143.01(V) of the Manual of Patent Examining Procedure. Specifically, in the Geil reference, movement of the handle in two directions is intended to differentiate two clearly separate operating procedures and provide sufficient time for query protocol and mechanical unlocking. Combining the Geil reference and the Meinke reference such that the handle is moved in a single direction would integrate the two procedures into one procedure and decrease the time for query protocol and mechanical unlocking. Again, as stated above, none of the cited art, whether taken individually or in any permissible combination, discloses moving the claimed door handle in a substantially outboard direction for both actuating a vehicle system and unlatching the door.

Also, in the Action, claims 1-3, 9-11, and 18-20 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as obvious over claims 1-3, 9, 12, 13, and 16-18 of co-pending application Serial No. 10/710,444. In response, the Applicants file a terminal disclaimer herewith to expedite issuance of this application as a patent, since it has been pending for 2 years.

In view of the foregoing, all of the claims remaining in the case, namely claims 1-3, 5-7, 9-11, 13-15, and 17-20, are in proper form and patentably distinguish from the prior art. Accordingly, allowance of the claims and passage of the application to issuance are respectfully solicited.

Respectfully submitted,
ARTZ & ARTZ, P.C.



Vincent C. Ilagan
Reg. No. 53,053
28333 Telegraph Road, Ste. 250
Southfield, MI 48034
Attorney for Applicant(s)

Date: 7/7/06